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[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,
Plaintiff,

v.

INTUITIVE SURGICAL, INC.,
Defendant.

Case No. 3:21-cv-03496-AMO

**JOINT ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED
PURSUANT TO CIVIL LOCAL
RULE 79-5(f)**

The Honorable Araceli Martínez-Olguín

NOTICE OF MOTION AND MOTION

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) and Defendant Intuitive Surgical, Inc. (“Intuitive”) (collectively, the “Parties”) hereby file this Joint Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“Motion to Consider”), regarding the Parties’ use at trial of exhibits that non-parties have designated as “Confidential” or “Highly Confidential-AEO” under the Protective Order, Dkt. 78 (as modified by Dkt. 107) (collectively, “Non-Party Confidential Material”).

On December 30, 2024, the Parties filed the Amended Joint Trial Exhibit List, Dkt. 377, which added a small number of exhibits. To be clear, *neither Intuitive nor SIS seeks to seal any material at trial.*

However, certain of the newly added exhibits consist of Non-Party Confidential Material. To protect the rights of affected non-parties, counsel for the Parties contacted counsel for the affected non-parties, to afford those non-parties the opportunity to seek to seal their respective Non-Party Confidential Material.

Counsel for the following non-parties responded and either indicated that they would seek to seal certain of the newly added exhibits, or were consulting with their clients and may seek to do so:

- Alliance Healthcare Partners
- Franciscan Health
- Rebotix Repair
- Restore Robotics
- Stryker Sustainability Solutions

The Non-Party Confidential Material that these non-parties may seek to seal are listed in the Proposed Order filed in conjunction with this Motion to Consider, and are attached to this Motion to Consider.

Under Local Rule 79-5(f)(2), the Parties will serve this motion on counsel for all non-parties parties listed above copies of this Motion to Consider.

Dated: January 4, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

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23 Dated: January 4, 2025

24 Bv: /s/ Richard T. McCaulley
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Attorneys for Plaintiff Surgical Instrument
Service Company, Inc.

CERTIFICATE OF SERVICE

On January 4, 2025, I caused a copy of this Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed to be electronically filed via the Court's Electronic Case Filing System, and served via email on the following:

- Richard McCaulley (richard@mccaulleylawgroup.com) and Josh Van Hoven (josh@mccaulleylawgroup.com), counsel for Plaintiff Surgical Instrument Service Company, Inc;
- Joe Morrison (wjmorrissonatty@gmail.com), counsel for Rebotix Repair;
- Jeffrey Berhold (jeff@berhold.com), counsel for Alliance Healthcare Partners and Restore Robotics;
- Manuel John Dominguez (jdominguez@cohenmilstein.com), counsel for Franciscan Health; and
- Andrea Bernard (ABernard@wnj.com), counsel for Stryker Sustainability Solutions.

Dated: January 4, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: January 4, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo